

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
EVANSVILLE DIVISION

EDWARD C. SNUKIS, JR. and)
SAMANTHA SNUKIS,)
Co-Administrators of the)
Estate of Edward C.)
Snukis,)

CASE NO.
3:21-cv-00135-MPB-MJD

Plaintiffs,)

-v-)

CITY OF EVANSVILLE,)
INDIANA; MATTHEW O.)
TAYLOR, in his individual)
capacity as an Evansville)
police officer; TREVOR)
KOONTZ, in his individual)
capacity as an Evansville)
police officer; and)
NICHOLAS HACKWORTH, in his)
individual capacity as an)
Evansville police officer,)

Defendants.)

The Zoom recorded 30(b)(6) deposition of
the City of Evansville by PAUL KIRBY sworn before me,
Sherry D. Lenn, RPR, and Notary Public in and for the
County of Warrick, State of Indiana, taken on
behalf of the Plaintiffs at the offices of
Ziemer Stayman Weitzel & Shoulders, LLP, 20 N.W. First
Street, Ninth Floor, Evansville, Indiana, on
August 15, 2023, at 8:58 a.m., pursuant to the Federal
Rules of Civil Procedure.

STEWART RICHARDSON & ASSOCIATES
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1 MR. MILLER: Do you -- do you want me to split
2 -- try to split screen it?

3 A So there is a difference.

4 Q Yes.

5 A And one is this one -- I don't know what exhibit
6 this is, the one -- whatever this exhibit -- this
7 is currently showing --

8 Q This is -- well, hold on. Let me identify it.
9 This is 17.

10 A Okay.

11 MR. WHITEHEAD: His question is the difference
12 between the two. So go through every single
13 difference.

14 THE WITNESS: Yep.

15 A It appears to me the difference is in the subject
16 line it would be Koontz complaints since 2017, and
17 then the last sentence is looking through the
18 database there are no complaint files; whereas the
19 difference would be the other one, I believe, says
20 medical -- failure to provide medical care.

21 Q So this is saying for Koontz and Hackworth that
22 there are no complaints of any kind; is that the --
23 what the intention was?

24 MR. WHITEHEAD: Objection, that is not what
25 the document says. You are misreading the

document.

A My understanding of this is when he looks into the database, the time of the request --

Q Yeah.

A -- there were no complaint files --

Q For either --

A -- for 2017.

Q -- Officer Hackworth or Koontz?

A That's the way I read it, yes.

Q Okay. Thank you.

And then the last folder, I'm going to open it up, is Matt Taylor complaints, is the name of the folder. And there are several folders in his file and there's no similar memo, so I really don't have any questions for you about the production.

A Okay.

MR. MILLER: Just give me five minutes. I think I'm done.

THE WITNESS: Okay.

(A brief recess was taken.)

MR. MILLER: I don't have any other questions.

EXAMINATION

QUESTIONS BY MR. WHITEHEAD

MR. WHITEHEAD: Okay. Let's go to -- Mark, you're going to need to do the exhibit management.

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1 So exhibit, and I don't have them all marked down.

2 MR. MILLER: I know.

3 MR. WHITEHEAD: Go to Exhibit 1. I think that
4 was the notice.

5 COURT REPORTER: It was.

6 (A discussion was held off the record.)

7 MR. MILLER: Yeah. Can you see it?

8 MR. WHITEHEAD: Yes.

9 Q Okay. So looking at Exhibit 1, Topics 1, 2, 3, 5,
10 and 6, you were made aware that you would be
11 testifying as to those topics, correct?

12 A Yes.

13 Q And you've been involved in this case in your
14 current role for what? Since approximately June of
15 '21.

16 A Yes, June -- May or June of '21.

17 Q And so throughout that time period, you have been
18 familiar or have you been familiar with the
19 different documents that the City/Evansville Police
20 Department have provided to the attorneys,
21 including me?

22 A Yes.

23 Q And -- okay.

24 MR. WHITEHEAD: So now can you go to
25 Exhibit 2?

1 Q So I think your testimony was you had not seen this
2 specific subpoena before; is that correct?

3 A Yes.

4 Q Now, let's go to the substance of the subpoena. So
5 this subpoena asks for all documents and things in
6 your possession, custody or control that relate in
7 any way to the death of the decedent, Snukis, and
8 then it has 11 topics. This preceded your current
9 role, correct? This was before your current role?

10 A Yes.

11 Q Now let's go through No. 1. Is it your
12 understanding that the City has provided the law
13 enforcement reports and supplements that relate to
14 the death of Mr. Snukis?

15 A Yes.

16 Q Are you aware of any case reports or supplemental
17 report that has been withheld by the City or that
18 you have not produced that relate to the death of
19 the decedent, Mr. Snukis?

20 A I am not aware of anything that has been withheld.

21 Q Okay. And then it relates to No. 2 as far as
22 documents and things referred to in those reports.
23 Are you aware of any document or thing that's been
24 withheld by the City or not produced by the City
25 that relate to the death of the decedent,

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1 Mr. Snukis?

2 A As of this date?

3 Q Correct.

4 A Yes.

5 Q Are you aware of anything --

6 A I am not aware of anything that has not been
7 produced as of today.

8 Q Same question for No. 3. Are you aware of any
9 recordings or dash cam -- sorry -- recordings of
10 dash cameras or body cameras that relate to the
11 death of Mr. Snukis that have not been produced?

12 A To my knowledge, nothing has been withheld.

13 Q Let's go to No. 4, photography of -- photographs,
14 videos, and audio recordings, same question.

15 A To -- to my knowledge, everything has been
16 provided.

17 Q Security camera footage.

18 A And again, assuming that means the surveillance
19 foot- -- things and -- to my knowledge, it's been
20 provided.

21 Q And as far as the documents and things relating to
22 names and addresses of witnesses, would those be in
23 the reports?

24 A Yes.

25 Q And are you aware of any documents with names and

1 addresses of witnesses relating to the death of the
2 decedent, Mr. Snukis, that has been withheld by the
3 City?

4 A No.

5 Q Same thing for No. 7, are you aware of anything --
6 any documents or things that relate to Mr. Snukis'
7 death and the names and addresses of all persons
8 interviewed that have been withheld?

9 A No.

10 Q No. 8, same question, anything withheld that you're
11 aware of?

12 A No.

13 Q And No. 9, again, the subpoena is all documents and
14 things that relate to the death of Mr. Snukis that
15 also relate to physical evidence obtained. Are you
16 aware of anything that was withheld?

17 A I am not aware of anything withheld for that.

18 Q Scientific, technical, and lab results, anything
19 withheld that you're aware of?

20 A Not that I'm aware of.

21 Q Anything that you're aware, as you sit here today,
22 relating to the death of Mr. Snukis of the City
23 that you know of that was withheld?

24 A No.

25 MR. WHITEHEAD: Can you scroll down to Item B.

1 (Mr. Miller complies.)

2 Q Item B, again you were asked about timing. And
3 while you may not have been involved in the
4 production to the subpoena back in 2020, you're
5 aware of what has been produced since that time; is
6 that fair?

7 A I'm -- yes, I'm aware of it.

8 Q And you're -- you've been involved in -- and again,
9 in this case the responses to the interrogatories
10 and the Requests for Production, correct?

11 A Yes.

12 Q And so let's go to Item B. The internal
13 investigation reports and all the notes and other
14 related documents relating to the death of
15 Mr. Snukis, is that something that you would have
16 looked for if asked?

17 A Yes.

18 Q As you sit here today, are you aware of any of
19 those internal investigation reports and all notes
20 and other related documents that have been
21 withheld?

22 A I'm not aware of anything that's been withheld.

23 Q And same thing with written or recorded statements,
24 are you aware of anything that's been withheld?

25 A I'm not aware of anything withheld.

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1 Q And No. 3 talks about all relevant policies,
2 procedures, rules, training material, and other
3 similar -- and similar documents. In fact, you
4 produced all policies and procedures, correct?

5 A Yes.

6 Q All -- the entire OGs?

7 A It was produced, yes.

8 Q It was -- it was produced, exactly.

9 So we've now been through this entire
10 subpoena. Are you aware, as you sit here today, of
11 any document that was withheld that you believe
12 relates to or was asked by the subpoena?

13 A No.

14 Q And there's kind of a two-step process -- well,
15 I'll back up. You only control what you locate and
16 find and give to your -- the City's attorneys,
17 correct?

18 A Correct.

19 Q You don't control what's ultimately produced to the
20 other side, correct?

21 A No.

22 Q So if there -- that is correct?

23 A Yeah. Sorry. That -- yes, that is correct. No, I
24 do not. No.

25 Q So truly, unless you have seen it in some other

1 realm, sometimes you only know what you give to the
2 attorneys, you don't always know what is -- the
3 attorneys give to the other side, correct?

4 A That is correct.

5 MR. WHITEHEAD: Let's go to Exhibit 3, Mark.

6 (Mr. Miller shares document on screen.)

7 Q This is -- do you know where this screenshot came
8 from?

9 A No.

10 Q Have you ever seen this screenshot before?

11 A No. Well, I mean today.

12 Q That's correct, yes.

13 A Today.

14 Q Before today, have you?

15 A No.

16 MR. WHITEHEAD: Let's go to the next one. And
17 I guess I'll go back to Exhibit 3, Mark.

18 (Mr. Miller shares document on screen.)

19 Q So as you sit here today in this deposition, you
20 were not shown -- or do you know if you were shown
21 the five- -- any of the 583 files or 56 folders?

22 A No. I don't know.

23 MR. WHITEHEAD: Let's go to Exhibit 4.

24 (Mr. Miller shares document on screen.)

25 Q Before today, had you seen this screenshot before?